

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANDREW D. SANDERS,

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

Case No. 2:15-cv-128-RFB-NJK

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a county prisoner. On May 26, 2015, Magistrate Judge Koppe issued an order directing Plaintiff to file an updated address with the Court within thirty days. (ECF No. 2 at 2). The thirty-day period has now expired, and Plaintiff has not filed an updated address with this Court or otherwise responded to the Court's order.

District courts have the inherent power to control their dockets and "[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply

1 with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v.*
2 *U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply
3 with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal
4 for lack of prosecution and failure to comply with local rules).

5 In determining whether to dismiss an action for lack of prosecution, failure to
6 obey a court order, or failure to comply with local rules, the court must consider several
7 factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need
8 to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
9 favoring disposition of cases on their merits; and (5) the availability of less drastic
10 alternatives. *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*,
11 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

12 In the instant case, the Court finds that the first two factors, the public's interest in
13 expeditiously resolving this litigation and the Court's interest in managing the docket,
14 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also
15 weighs in favor of dismissal, since a presumption of injury arises from the occurrence of
16 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.
17 See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public
18 policy favoring disposition of cases on their merits – is greatly outweighed by the factors
19 in favor of dismissal discussed herein. Finally, a court's warning to a party that his
20 failure to obey the court's order will result in dismissal satisfies the "consideration of
21 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;
22 *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file an updated
23 address with the Court within thirty days expressly stated: "IT IS FURTHER ORDERED
24 that, if Plaintiff fails to timely comply with this order, the Court shall recommend
25 dismissal of this action without prejudice." (ECF No. 2 at 2). Thus, Plaintiff had
26 adequate warning that dismissal would result from his noncompliance with the Court's
27 order to file updated address within thirty days.

28 It is therefore ordered that this action is dismissed without prejudice based on

1 Plaintiff's failure to file an updated address with the Court in compliance with this Court's
2 May 26, 2015, order.

3 It is further ordered that the motion to proceed *in forma pauperis* (ECF No. 1) is
4 denied as moot.

5 It is further ordered that the Clerk of Court shall enter judgment accordingly.

6
7 DATED THIS 20th day of July, 2015.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE